IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 2ND AUGUST 2006 / 11TH SRAVANA 1928

OP.No. 10916 of 2001(Y)
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PETITIONER:
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G.S. SAJI KUMAR, "MINNARAM", NAVAIKULAM,
THIRUVANANTHAPURAM DIST.

BY ADV. SRI.R.MANOJ
SMT.SINDHU MANOJ

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS SECRETARY, KERALA STATE ELECTRICITY BOARD, VAIDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. THE ACCOUNTS OFFICER, B.S. UNIT, KERALA STATE ELECTRICITY BOARD, ATTINGAL.

3. THE ASST. EXE. ENGINEER, ELECTRICAL MAJOR SECTION, KERALA STATE ELECTRICITY BOARD, KALLAMBALAM.

4. THE DEPUTY TAHSILDAR (RR), CHIRAYINKEEZHU, NAVAIKULAM.

5. PENGUIN RUBBERS (PVT.) LIMITED REPRESENTED BY ITS DIRECTOR SREEDEVEIL AJI KUMAR, SANTHI NILAYAM, NAVAIKULAM, THIRUVANANTHAPURAM. (DELETED)

R5 DELETED FROM THE PARTY ARRAY AS PER ORDER DATED 1.4.2004 ON I.A.NO. 2693 OF 2004

R1 TO R3 BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
R4 BY GOVERNMENT PLEADER SRI. T.R. RAVI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/08/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 17516 OF 2001 IN OP 10916 OF 2001

DISMISSED

2.8.2006 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE CERTIFICATE OF INCORPORATION ISSUED BY THE REGISTRAR OF COMPANIES, KERALA DATED 12.3.1991

EXT.P2 TRUE COPY OF THE FIRE REPORT OF THE KERALA FIRE FORCE DATED 18.10.1998

EXT.P3 AND P3(a) TRUE COPIES OF THE NOTICES ISSUED UNDER THE REVENUE RECOVERY ACT DATED 20.2.2001

EXT.P4 TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 80 CPC DATED 10.3.2001

EXT.P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE FIRST RESPONDENT DATED 11.3.2001

EXT.P6 TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT ALLOCATING POWER TO THE COMPANY DATED 25.5.1991

EXT.P7 TRUE COPY OF THE ORDER ALLOCATING POWER TO THE COMPANY DATED 11.2.1993

EXT.P8 TRUE COPY OF THE ORDER OF G.M., D.IC., THIRUVANANTHAPURAM DATED 11.3.1993

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

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O.P.NO. 10916 OF 2001

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Dated this the 2nd day of August, 2006

JUDGMENT

Petitioner is challenging personal recovery of electricity bill stated to be due from the 5th respondent. However, standing counsel for the Electricity Board submitted that documents are executed by the petitioner in his personal name, which is stated in the counter affidavt. In the circumstances, O.P. is disposed of directing the Electricity board to forward copies of documents executed by the petitioner while taking connection to the fourth respondent. If the connection is in the petitioner's personal name and petitioner has undertaken to discharge the liability under the terms agreed, then fourth respondent will proceed for recovery against the petitioner. However, if the petitioner has only acted as representative of the company in the terms agreed with the Ele. Board, then recovery will be made against the assets of the company. O.P. is disposed of directing the second respondent to forward documents to the fourth respondent for verification and for proceeding with recovery.

(C.N.RAMACHANDRAN NAIR)
Judge